



Town of Carlisle

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Office of

PLANNING BOARD

MINUTES

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Minutes

May 9, 2005

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Budget

Staff Performance Evaluation

Wireless Bylaw Subcommittee

Joint Public Hearing with Carlisle Tree Warden of request to remove approximately ten trees and to alter stone walls within the right-of-way of East Street, between Bedford Road and Partridge Lane, under the provisions of the Scenic Roads Bylaw (art. XII & MGL Ch. 40, s. 15C) and the Public Shade Tree Act (MGL Ch. 87, s. 3) [Request of Pedestrian and Bike Safety Advisory Committee]

Public Hearing: Proposed amendment to the Carlisle Zoning Bylaws, Sec. 7.3, Board of Appeals, to establish the composition of the Board as “three (3) members and four (4) associate members.” [Petition of Zoning Board of Appeals]

Discussion of Vale and Valchuis’ concerns with regard to pending litigation, Valchuis et al. v. Planning Board, Berry Corner Lane, Map 7, Parcel 29

Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board, Berry Corner Lane, Map 7, Parcel 29 (executive session)

Benfield Parcel A Planning Task Force update from Phyllis Zinicola

Affordable Housing Task Force update from David Freedman

GIS

PB Chair **Louise Hara** called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board members **David Freedman, Kent Gonzales, Peter Stuart, Ray Bahr** and **Phyllis Zinicola** were present, along with Planning Administrator **George Mansfield** and PB Administrative Assistant **Helen Boos**. Member Rich Boulé was absent.

Minutes

The minutes of the last meeting were reviewed and amended. Freedman **moved to accept the minutes of April 25, 2005 as amended**. Bahr seconded the motion and it carried 6-0.

Budget

The PB budget update was reviewed, and there were no issues. Members reviewed a notice from the Town Treasurer explaining the conditions under which boards may (and may not) encumber funds at the end of the fiscal year (6/30).

Staff Performance Evaluation

The PA reported that he had emailed his self-evaluation to Board members. Hara said that members had given their input according to schedule.

Wireless Bylaw Subcommittee

This subcommittee has not met yet due to schedule conflicts.

Joint Public Hearing with Carlisle Tree Warden of request to remove approximately ten trees and to alter stone walls within the right-of-way of East Street, between Bedford Road and Partridge Lane, under the provisions of the Scenic Roads Bylaw (art. XII & MGL Ch. 40, s. 15C) and the Public Shade Tree Act (MGL Ch. 87, s. 3) [Request of Pedestrian and Bike Safety Advisory Committee]

This public hearing to review proposed alterations along a designated Scenic Road was attended by a number of Carlisle residents, including: **Chris Redmond** of 294 East Street, **Mary Storrs** of 94 Brook Street, **Paul Bergeron** and **Chasidy Jaquith** of 43 East Street, **Trisha and James Lamb** of 213 Indian Hill Road, **Suzanne and Jeff Brown** of 15 Cutters Ridge Road, **Ellen Huber** of 15 Partridge Lane, **Nancy Shohet West** of 303 Bedford Road, **Nancy Szczesniak** of 124 Aberdeen Drive, **Francene Amari-Faulkner** of 43 Bedford Road, and **Heather and Tom Hedden** of 98 East Riding Drive. Also present were Pathways Committee Chair **Jack Troast** and member **Sean Flynn**, Selectmen **Deb Belanger** and **Doug Stevenson**, and **Gary Davis**, Tree Warden from the Department of Public Works (DPW). (Note: the Pedestrian and Bike Safety Advisory Committee is also known as the Pathways Committee.)

Troast introduced the Pathways Committee's role as an advisory committee to the Board of Selectmen and cited the pathway along Bedford Street from the rotary to Kimball's Ice Cream stand as one of their past efforts. He explained that the proposed alterations on East Street would facilitate construction of a similar pathway. He explained that this hearing is required according to the provisions of the Scenic Roads bylaw, and that there will be similar hearings to seek approval from the Conservation Commission and Historic Commission. He said that most of the pathway would be in the town right-of-way, that some of it would be on private property, and that the Pathways Committee is working with those landowners to obtain any necessary easements. He said that wall would be removed only to provide an opening for the pathway to go through; the plan does not propose removing long sections of walls.

The PA explained that any place where construction of the pathway requires removal of trees or stone wall or relocation of a stone wall, written consent from the Planning Board is required. He also pointed out that the plans for the pathway on Bedford Road did not require a public hearing before the PB because that road is not a designated Scenic Road (because State roads cannot be designated Scenic Roads).

Board members asked the timeline, which Troast said will depend on the DPW's availability, but that the goal is to finish the pathway plan within the five years originally allotted (now in the second year). He said they are hoping to get approval so that DPW can begin some work this spring and summer. Flynn added that, because the East Street portion of the pathway has turned out to be more involved than expected, the Pathways Committee is now surveying portions of the pathway that run along other roads to get an idea of how much work would be involved, and that if they can get more volunteers, they might expedite work on other roads. Heather Hedden of the Pedestrian and Bike Safety Committee said construction cannot begin until after all the hearings are completed, but Troast said the pathway could be built in portions, saving the parts that involve more difficult decisions until last.

Troast and Flynn referred to a map of the specific trees and portions of the wall that would need to be removed. PB members and attendees discussed several issues in detail, including the following:

- Location of the pathway and crosswalk at the intersection of East Street and Bedford Road with regard to pedestrian safety and impact on abutting landowners. Flynn asked the PB to approve two different plans, allowing the Committee to decide between them later. One plan proposes using the existing crosswalk directly at the intersection of East Street and Bedford Road, and the other proposes locating it about 200 feet further east on East Street, which many felt would allow better visibility to traffic coming around the corner from Bedford road (heading west) onto East Street. Each plan would require a different pathway configuration and stone wall and tree removal alterations.

Tom Hedden said that he believes the crosswalk at the intersection makes more sense because cars naturally slow down at intersections and drivers expect a crosswalk at an intersection, whereas further along, drivers have already accelerated and may not expect to see pedestrians crossing. Szczesniak also questioned whether pedestrians would really cross at the crosswalk if it is located further along East Street. Belanger agreed that it is unreasonable to assume that pedestrians will cross East Street two or three times to go from (for example) St. Irene's to Fern's, and she said that the Police Department have requested that the path continue on the north side of East Street and Bedford Road or at least not make it more difficult to walk there than now, and that the current crosswalk remain until there is a workable alternative. Francene Amari-Faulkner said that earlier

configurations for the crosswalk and pathway routed pedestrians directly by her front door, and she felt it was reasonable to suggest that the Committee design a different configuration.

Belanger and PB members emphasized that, while these topics are important, this hearing is to discuss the issues relevant to Scenic Roads regulation, specifically roads and trees. Belanger invited comments to be addressed to the Pedestrian and Bike Safety Committee and to the Board of Selectmen.

- Relocation of a retaining wall in front of St. Irene's church and the Montessori School. Jeff Brown said that any efforts to save the maple trees in front of St. Irene's would be greatly appreciated. Flynn said that they had considered an earlier plan that would not only save the trees, but would also save the cost of moving and re-building the retaining wall, but that the pathway would have been too close to the school playground. Suzanne Brown agreed to talk to the school to see if moving the playground is a possibility, which would be less expensive than moving the wall. Davis said that construction too close to the maples would endanger their roots, and that to ensure that the trees remain healthy, the pathway should be moved further away which, many agreed, would make a more pleasant route.
- Configuration of pathway and berm on the edge of a detention between St. Irene's and Partridge Lane. Belanger said she is concerned that snow plowing and sand will destroy the pathway when the pathway runs too close to the roadway, so it is better to keep a grassy verge between the road and pathway.

Freedman **moved to approve as necessary the proposed removal of wall and trees from the intersection of Bedford Road to Partridge Lane excluding the section shown on the plans from location # 8 to location # 3, the section adjacent to the berm, and the evergreen at location # 25.** Bahr seconded and the motion carried 6-0. Freedman then **moved to continue this public hearing on June 13, 2005 at 7:45p.m.** Bahr seconded and the motion carried 6-0.

Public Hearing: Proposed amendment to the Carlisle Zoning Bylaws, Sec. 7.3, Board of Appeals, to establish the composition of the Board as "three (3) members and four (4) associate members." [Petition of Zoning Board of Appeals]

Town Administrator **Madonna McKenzie** and Selectman Doug Stevenson were present. No members of the BOA were present and no one spoke on the petition. Mansfield explained that this public hearing is required by statute, and that the PB needs to vote on whether or not to recommend the proposed amendment. He explained that the BOA is requesting this expansion because BOA members expect to continue to have more (and more complex) petitions addressed to them. Zinicola **moved to recommend the proposed amendment.** Bahr seconded and the motion carried 6-0. The PB authorized the Chair or Vice Chair to contact the BOA to better understand their rationale for this proposal and to prepare a statement of recommendation to present at Town Meeting.

Discussion of Vale and Valchuis' concerns with regard to pending litigation, Valchuis et al. v. Planning Board, Berry Corner Lane, Map 7, Parcel 29

Michael Vale of 26 Fox Road, Waltham MA and **David Valchuis** of 1776 Monument Street, Concord, MA were present, along with Town Administrator Madonna McKenzie, Town Counsel Rich Hucksam, and Selectman Doug Stevenson.

Vale explained that, as they have recently purchased the rights and interest in Berry Corner Lane from former abutter Schultz, he and Valchuis are requesting that the PB sign the ANR allowing them to build on their lot. In response to questions from the PB, Vale and Valchuis said that they would not agree to pay for improvements to the road because, they said, they had already done so three years ago. Valchuis said that they would agree to share future maintenance costs with abutters.

At 9:20, Freedman moved and Zinicola seconded a **motion to go into executive session to discuss pending litigation regarding Berry Corner Lane and then to return to regular session.** The Board was individually polled and unanimously agreed to the motion.

At 10:30, Freedman moved and Stuart seconded a **motion to come out of executive session and to return to regular meeting**. The Board was individually polled and unanimously agreed to the motion.

Benfield Parcel A Planning Task Force update from Phyllis Zinicola

Zinicola reported that the Task Force has proposed reversing the locations of the proposed ball field and homes in Plan B, and that they are meeting on 5/14 to vote on which plan to recommend at Town Meeting. She said that if the PB has a position, it can take a vote. PB members expressed concern about taking a position on plans they have not seen, and were also concerned that they had no comprehensive overview of abutters' opinions on the various plans. In addition, members expressed concerns that Plan B would restrict longterm flexibility in planning for future expansion of housing and accommodating uncertain development obstacles on the site.

Zinicola explained that there is a deadline to make a decision on the location of the ball field and houses because the deed restrictions have to be registered within one year of purchase. Stuart **moved that the Planning Board endorse Plan A**. Freedman seconded the motion but it did not carry, with a vote of 1-1-4.

PB members agreed to meet if necessary on 5/23 at 6:30, before Town Meeting or at an earlier time depending on the Task Force's action.

Affordable Housing Task Force update from David Freedman

Freedman reported that work is continuing, that he was interviewed for an article in the *Mosquito*, and that the Task Force is planning to present to the Board of Selectmen the parcels of town-owned land that could be designated for affordable housing.

GIS

The PA reported that Bernsee and Hara are continuing to proof the work done by Applied Geographics, and are still awaiting the common driveways layer. PB members reviewed announcements for a free GIS workshop offering support from Homeland Security funding in Lexington on 5/16 (conducted by MAPC), and members discussed who can attend (to be decided later).

Respectfully submitted,

Helen Boos
Administrative Assistant